



# DISABILITY AND COMMUNICATION ACCESS BOARD

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## INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

**Docket:** **DCAB 2002-01:** Interpretive Opinion on ADAAG 4.29, Detectable Warnings on whether detectable warnings are required at driveway aprons.

**Summary:** Previously on suspension for a 6- to 8-year period, detectable warnings again became required when the suspension was not renewed in July 2001. Although detectable warnings are not required at curb ramps and hazardous vehicular areas in the proposed ADAAG, according to the Access Board once the new ADAAG becomes final, they will amend it to incorporate the Public Rights of Way Guidelines (PROWAG).

Pedestrian ways intersecting driveways are hazardous, especially at busy commercial parking lots or drive-throughs. Drive-ways that cross pedestrian ways technically gives the right-of-way to pedestrians and crosswalks crossing vehicular ways gives the right-of-way to vehicles. Being undefined, the detectable warning requirement at “hazardous” ways has been left at the “edges of transit platforms” under the proposed ADAAG rule and at the “intersection between vehicular areas and curb ramps” under the final report of the Public Rights-of-Way Access Advisory Committee (PROWAAC). According to the Access Board, *signalized* driveways at parking garage exits may need detectable warnings because of their assumed driver right-of-way nature. Although legally pedestrians have the right-of-way at *un-signalized* driveways or driveway aprons, detectable warning overuse may prove to be confusing and ineffective, therefore indicating the need for their sparse application except at “obviously hazardous” busy parking mall entrances, limited-sight locations, or where a driver-pedestrian right-of-way *giving & taking* condition occurs. The Department of Justice (DOJ) does not consider “driveways” to be “vehicular ways”, and that detectable warnings were not intended for driveways, especially in residential areas, but for places like highly-trafficked store or shopping center curb cuts or crosswalks.

**Ruling:** For buildings or facilities subject to HRS §103-50,

### **ADAAG 4.29 Detectable Warnings**

Detectable warnings are *not* required at driveways where the intersection of pedestrian and vehicular ways is *not* signalized.

[Rul: 01/02] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.

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